IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1554 OF 2006
IN
WRIT PETITION NO.4111 OF 2003

Daudayal D. Agarwal ..Applicant.
Vs.
Balaichandradas Durgacharan Das ..Respondent.
...
Mr. Sidhardha Karpe i/b Y. K. S. Legal for the Applicant.
Mr. P.K. Dhakephalkar, Senior Advocate with Mr. P.M. Shah for the Respondent.
...

CORAM: DR. D.Y. CHANDRACHUD, J.

20th June, 2006.

P.C. :

The Petition came to be dismissed for want of compliance with the conditional order dated 22nd March, 2006. Having regard to the contents of the Civil Application, I am of the view that there is no negligence or deliberate inaction on the part of the Applicant and the Petition should therefore be restored. The delay in filing the Civil Application is condoned and the Petition is restored by setting aside the order of dismissal dated 22nd March, 2006.

However, the Court has been informed by Mr. Dhakephalkar, learned counsel appearing for the Respondent that in the meantime the warrant for possession has already been executed on 19th June, 2006. In that view of the matter, at the present stage restoration of the Petition will not *ipso facto* lead to the restoration of the interim order.